

## APPLICANT'S ARGUMENTS FOR PATENTABILITY

**Claim 16 (amended)**

As amended, claim 16 recites (e) analyzing the discharged fluid by determining the acid content of the fluid, (f) increasing the proportion of the fluid conveyed to the filter if the acid content of the discharged fluid is above industry standards, and (g) decreasing the proportion of the fluid conveyed to the filter if the acid content of the discharged fluid is appreciably below industry standards. Antecedent basis has been provided as required by the Examiner under 35 U.S.C. 112.

It is submitted that there is absolutely nothing in the patent to Carruthers which discloses, teaches, suggests, or in any way makes obvious the step of determining the acid content of a fluid.

With respect to the Examiner's assertion that the method disclosed by Carruthers includes analyzing the fluid discharged from the filter, applicant respectfully disagrees. There is no disclosure, teaching, or suggestion by Carruthers that the flow sight 26 is used for any purpose other than to observe the fluid flow. Such sight glasses are common in such systems, and are, to applicant's knowledge, seldom or never used to "analyze" the fluid passing therethrough. There is certainly nothing in the Carruthers patent which would lead one to infer otherwise, or to assume that the sight glass is being used to monitor the quality of the fluid flowing therethrough.

However, this broad question aside, it is abundantly clear that the sight glass is not used to determine the acid content of the fluid; nor is there anything in the reference to suggest that it could or might be so used.

It is further submitted that there is nothing in the Carruthers patent that discloses, teaches, suggests, or in any way makes obvious the step of increasing the proportion of the fluid conveyed to the filter if the acid content of the fluid is above industry standards. While Carruthers indeed teaches varying the proportion

of the fluid conveyed to and discharged from the filter, he in no way connects such variation with any observations using a sight glass.

It is further submitted that there is nothing in the patent to Carruthers which discloses, teaches, suggests, or in any way makes obvious the step of decreasing the proportion of the fluid conveyed to the filter if the acid content of the discharged fluid is appreciably below industry standards. While Carruthers does teach varying the proportions of the filtered and unfiltered fluids, he in no way relates such variation to any observations made through a sight glass.

With respect to antecedent basis to support the limitation of determining and using the acid content of the fluid to proportion filtered and unfiltered fluids, applicant relies upon the specification at page 13, line 29 to page 14, line 04, which provides antecedent basis for a limitation involving the determination of free fatty acids; and on U.S.P. 5,620,897 at col. 1, line 62 to col. 2, line 18; col. 2, lines 43 - 55; and col. 4, lines 51 - 55 which broadly discloses and teaches an automated analytical method for determining the concentration of a constituent in a sample by titrimetric analysis, and makes clear that said method is by no means limited to the determination of fatty acids.

Reconsideration, withdrawal of the rejections, and allowance of claim 16 as amended are respectfully requested.

#### **Claim 18 (amended)**

As amended, claim 18 restricts the analytical method used to monitor the quality of the fluid being purified to a determination of the free fatty-acid content of the discharged fluid. Accordingly, the foregoing arguments in support of claim 16 (amended) above apply equally to claim 18 (amended). Beyond this, however, restriction to free fatty-acid content as a criterion of quality removes the claimed invention even further from any possible relationship to the Carruthers and Shugarman et al. references. Here antecedent basis is very specific, being provided by the specification at page 13, line 29 to page 14, line 04.

Reconsideration, withdrawal of the rejection, and allowance of claim 18 as amended are respectfully requested.

SUMMARY, CONCLUSIONS, AND PETITION

In conclusion, it is submitted that, in view of the amendments and arguments herein presented, the application is in condition for allowance. Reconsideration, withdrawal of the rejections, and allowance of the application are respectfully requested.

Respectfully submitted

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